

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Darren J. CEPULIS et al.	§	Confirmation No.:	4844
		§		
Serial No.:	09/965,998	§	Group Art Unit:	2116
		§		
Filed:	September 28, 2001	§	Examiner:	T. W. Chen
		§		
For:	Semi-Persistent	§	Docket No.:	200302230-1
	Relocatable RAM-Based	§		
	Virtual Floppy Disk	§		
	Method	§		

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF (37 CFR 41.37)**

Mail Stop Appeal Brief – Patents

July 9, 2007

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated June 20, 2007, Appellants re-submit the Appeal Brief. In said Notice, the Examiner objected to Appellants' Appeal Brief alleging "Applicant has not mapped the limitations of the independent claims to the specification and drawings. Instead Applicant has described the preferred embodiments." Appellants respectfully traverse.

In the SUMMARY OF THE CLAIMED SUBJECT MATTER (hereinafter just "SUMMARY") section of the Appeal Brief, Appellants reproduce each appealed independent claim (claims 17, 30 and 32), and then provide a citation to the specification for each limitation. In order to assist in correlating the existing SUMMARY to the appealed claims, the following table is provided wherein the

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SUMMARY wording is copied verbatim (including footnotes) in one column, and the corresponding claim language is shown in the next column:

SUMMARY Wording	Appealed Independent Claim Wording
The specification is directed to a semi-persistent relocatable RAM-based virtual floppy disk method. ¹ At least some of the illustrative embodiments are a read only memory (ROM) device as in claim 17 comprising:	17. (Previously presented) A read only memory (ROM) device comprising:
a basic input output system (BIOS) program, ² and	a basic input output system (BIOS) program; and
hardware drivers. ³	hardware drivers;
The BIOS program, when executed by a microprocessor, makes at least some of the hardware drivers available for copying by identifying the hardware drivers on the ROM as files on a virtual disk drive, ⁴ and	wherein the BIOS program, when executed by a microprocessor, makes at least some of the hardware drivers available for copying by identifying the hardware drivers on the ROM as files on a virtual disk drive; and
the BIOS program, when executed by a microprocessor, makes available on the virtual disk drive only the hardware drivers operable with an operating system to be installed. ⁵	wherein the BIOS program, when executed by a microprocessor, makes available on the virtual disk drive only the hardware drivers operable with an operating system to be installed.
Other illustrative embodiments are computer systems as in claim 30 comprising	30. (Previously presented) A computer system comprising:
a processor, ⁶	a processor;
a main memory array coupled to the processor, ⁷ and	a main memory array coupled to the processor; and
a read only memory (ROM) coupled to the processor ⁸ (wherein the ROM stores basic input output system (BIOS) programs and operating system drivers). ⁹	a read only memory (ROM) coupled to the processor, wherein the ROM stores basic input output system (BIOS) programs and operating system drivers;

¹ Specification Title.

² Specification Page 7, Paragraph [0026], lines 2-5. Hereinafter, citations to the specification take the shorthand form ([page], [paragraph], lines). Thus, the cite of this footnote in the shorthand form reads (7, [0026], lines 2-4). *See also*, Figures 3-6.

³ (8, [0029], lines 2-6); Figures 3-6.

⁴ (13, [0041], lines 1-7).

⁵ (13, [0041], lines 8-11).

⁶ (5, [0022], lines 1-2); Figure 1 element 10.

⁷ (6, [0023], lines 1-4); Figure 1, element 12.

⁸ (6, [0026], lines 2-5); Figure 1, element 26.

⁹ (7, [0026], lines 2-4); (8, [0029], lines 2-6); Figures 3-6); Figure 3-6, elements 30, 32.

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SUMMARY Wording	Appealed Independent Claim Wording
The BIOS programs of the ROM implement a virtual disk drive by mapping at least some of the operating system drivers to virtual address space of the main memory array, the mapped operating system drivers operable in conjunction with an operating system identified during initial set up of the BIOS. ¹⁰	wherein the BIOS programs of the ROM implement a virtual disk drive by mapping at least some of the operating system drivers to virtual address space of the main memory array, the mapped operating system drivers operable in conjunction with an operating system identified during initial set up of the BIOS;
During installation of an operating system on the computer at least one of the operating system drivers is copied from the virtual disk drive, and	wherein during installation of an operating system on the computer at least one of the operating system drivers is copied from the virtual disk drive; and
after installation of the operating system the operating system drivers on the virtual disk drive are overwritten with a redundant copy of the BIOS. ¹¹	wherein after installation of the operating system the operating system drivers are overwritten with a redundant copy of the BIOS.
Yet still other illustrative embodiments are methods as in claim 32 comprising	32. A method comprising:
storing operating system drivers on a read only memory (ROM) within a computer system, ¹²	storing operating system drivers on a read only memory (ROM) within a computer system;
identifying an operating system to be installed on the computer system (the identifying during initial basic input output system (BIOS) set up), ¹³	identifying an operating system to be installed on the computer system, the identifying during initial basic input output system (BIOS) set up;
invoking BIOS routines to make available on a virtual disk drive operating system drivers stored on the ROM, ¹⁴ and	invoking BIOS routines to make available on a virtual disk drive operating system drivers stored on the ROM; and
copying from the virtual disk drive only operating system drivers operable with the identified operating system. ¹⁵	copying from the virtual disk drive only operating system drivers operable with the identified operating system.

As shown above, the SUMMARY reproduces (with only minor grammatical changes) the limitations of each appealed independent claim, and for each limitation citations are made by page number, paragraph number, line number within paragraph and in most cases a drawing. Thus, Appellants traverse the assertion that, "Applicant has not mapped the limitations of the independent

¹⁰ (14, [0043], lines 1-15); Figure 7.

¹¹ (10, [0035], lines 7-14); Figure 5.

¹² (8, [0029], lines 2-6); Figures 3-6.

¹³ (12, [0040], lines 1-5).

¹⁴ (13, [0041], lines 1-7).

¹⁵ (13, [0041], lines 8-11).

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claims to the specification and drawings. Instead Applicant has described the preferred embodiments.”

For the reasons above, Appellants respectfully submit that the Appeal Brief does not suffer from shortcomings under 37 CFR 41.37, and the Appeal Brief should be entered.

Respectfully submitted,

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